

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff;

v.

COMMONWEALTH OF PUERTO RICO,
ET AL.,

Defendants.

No. 12-cv-2039 (GAG)

**NOTICE OF POTENTIAL USE OF ADDITIONAL RESOURCES
TO SAFEGUARD THE LIFE, SAFETY, AND PROPERTY OF CITIZENS**

TO THE HONORABLE COURT:

Defendants, the Commonwealth of Puerto Rico and the Puerto Rico Police Bureau hereby inform and notify the Court as follows:

1. In the past few days, there have been protests which have mobilized thousands of people to Old San Juan, in particular to the Governor's Mansion ("La Fortaleza"). On Monday, July 15, 2019, the protests escalated into violence, compelling members of the Puerto Rico Police Bureau ("PRPB") to use reasonable force to protect the life, safety and property of those participating in the protests, of the residents of Old San Juan, the personnel at La Fortaleza, and the PRPB officers. The Acting Police Monitor John Romero ("Acting Monitor") observed the protests and has already prepared and submitted to the Parties a Preliminary Report of the events.

2. Similar protests are ongoing today in Old San Juan. It is anticipated that anywhere between 15,000 to 20,000 people will participate in the protests, which raises the potential for events of violence.

3. Defendants, Plaintiff, the Acting Monitor and Special Master Alex del Carmen have been in constant communication throughout the day today, and have discussed the possibility that PRPB may be required to use additional resources if the situation were to become critical and create a risk to the life, safety and property of the protesters, residents of Old San Juan, and others.

4. The Department of Public Safety (“Department”) is tasked with “protecting the life and property of all citizens.” 25 P.R. Laws Ann. §3503(g).

5. Pursuant to 25 P.R. Laws Ann. §3504, the Governor of Puerto Rico has “supreme authority with respect to the direction of the Department.” The Secretary of the Department of Public Safety (“Secretary”) has the power to take any actions “necessary for the adequate operations of the Department.” 25 P.R. Laws Ann. §3505(z).

6. Moreover, the Agreement for the Sustainable Reform of the Puerto Rico Police Department, in its Paragraph 284, recognizes the Secretary’s authority over the operations and administration of the PRPB and his duty to fulfill his obligations pursuant to the PRPB’s enabling statute and regulations, and the Constitution and laws of the Commonwealth of Puerto Rico.

7. The Governor, through the Secretary of the Department, has the authority to engage and/or activate additional resources if necessary to protect the life, safety and property of all citizens, including, but not limited to, using guards from the Puerto Rico Department of Corrections and Rehabilitation, should the situation escalate and give rise to acts of violence, as was the case on Monday, July 15th.

8. Accordingly, Defendants hereby respectfully notify that they may need to engage and/or activate additional resources during today’s protests, should it become necessary to protect the life, property and safety of those protesting, of the residents of Old San Juan, of the staff and residents of La Fortaleza, of the PRPB officers and others, as a matter of last recourse.

WHEREFORE, Defendants respectfully request that the Court take notice of the above, with any additional relief it deems just and proper.

WE HEREBY CERTIFY that today we have electronically filed the foregoing document with the Clerk of the Court for the District of Puerto Rico using the CM/ECF system, which will send a copy and notification of filing to the Acting Monitor, the Special Master, and all counsel of record.

RESPECTFULLY SUBMITTED, this 17th day of July, 2019.

For Defendants COMMONWEALTH OF
PUERTO RICO, ET AL.:

s/Arturo J. Garcia Sola
Arturo J. Garcia Sola
USDC-PR No. 201903
ajg@mcvpr.com

s/Maria A. Dominguez
Maria A. Dominguez
USDC-PR No. 210908
madt@mcvpr.com

s/Lizzie M. Portela
Lizzie M. Portela
USDC-PR No. 208401
lpf@mcvpr.com

s/Javier F. Micheo Marcial
Javier F. Micheo Marcial
USDC-PR No. 305310
jfmm@mcvpr.com
McCONNELL VALDÉS LLC
P.O. Box 364225
San Juan, PR 00936-4225
Telephone (787) 250-5641
Fax: (787) 759-8282

Attorneys for Defendants